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| 09/752,817      | 01/03/2001  | Shunpei Yamazaki     | 12732-003001/US4564 | 9971             |

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FISH & RICHARDSON P.C.  
1425 K STREET, N.W.  
11TH FLOOR  
WASHINGTON, DC 20005-3500

EXAMINER

BELL, PAUL A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2675

DATE MAILED: 12/19/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/752,817

Applicant(s)

YAMAZAKI ET AL. 

Examiner

PAUL A BELL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-6, 5
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: **figure 1 item 2007**. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 5-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 3, 5, 7, 8, 10, 13, 15, 18, 20, 23, 24, 25, 26, 29, 31, 34, 36 and 37, the applicant uses the abbreviations EL, CPU, TFT, CCD, A/D, D/A with out explicitly stating what it stands for and since abbreviations can take on multiple meanings and change over time it would be better to just spell it out. These are considered indefinite expressions because it is not clear what the possibilities are for the abbreviations EL, CPU, TFT, CCD, A/D, D/A.

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With regard to Claim 13 it recites the limitation "an information signal" in line 9 and 11. Is this the same information signal (said information signal) or is it a different information signal (first information signal or second information signal), please make more clear.

With regard to claim 13 the phrases "one of said anode **and** said cathode being electrically connected to said active layer", "a potential applied to another one of said anode **and** said cathode" is viewed as unclear language in view of figure 1 because a possible interpretation of this language is that the active layer is connected to both the anode and cathode at the same time and also a potential is applied to both the anode and cathode at the same time. This language appears to contradict what is illustrated in figure 1 where item 2002 is either connected to the anode or cathode side of item 2003 and item 2015 is connected to the other side of item 2003, please make this language more clear.

Claims 18, 23, 29, and 34 use the same phrases as pointed out in 13 above, please make more clear.

Claims 14-17, 19-22, 24-28, 30-33 and 35-39 are also rejected because they depend on a claim with a 112 problem.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

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(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

(b) the invention was patented or described in a printed publication in this or a foreign country or **in public use or on sale** in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4, are rejected under 35 U.S.C. 102(e) as being anticipated by Toffolo et al. (6,337,675).

With regard to claim 1, Toffolo et al. teaches a display system (figure 1, item 20) comprising: a light-emitting device (figure 1, item 22), wherein a luminance of said light-emitting device is controlled by obtaining an information signal of an environment (figure 1, item 36, column 1, lines 5-8, and 20-35).

With regard to claim 3, Toffolo et al. teaches a display system according to claim 1, wherein said light-emitting device is an EL display device (column 1, lines 10-11).

With regard to claim 4, Toffolo et al. teaches a display system according to claim 1, wherein said display system is incorporated in one selected from the group consisting of a video camera, a digital camera, a head-mount display, a car navigation system, a portable telephone, and a personal computer (column 1, lines 9-11).

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6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. This invention as broadly claimed reads on a conventional outdoor Infrared motion detector light which turns on a light-emitting device when it's sensor detects an users living-body infrared information signal in the environment outside.

7. Claims 5, 7, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (6,265,833).

With regard to claim 5 Kim et al. teaches a display system comprising: a light-emitting device (figure 1, item 5); a sensor for obtaining an information signal of an environment (figure 1, item 1); a CPU for converting an electrical signal supplied from said sensor into a correction signal (figure 1, item 3); and a voltage changer for controlling a corrected potential based on said correction signal (figure 1, item 4).

With regard to claim 7 Kim et al. teaches a display system according to claim 5, wherein said light-emitting device, said sensor, said CPU and said voltage changer are formed on a same substrate (since figure 1 illustrates all the claimed parts in one illustration it is inherent that they share a common surface (substrate) while enclosed above said common surface of an enclosure).

With regard to claim 8 Kim et al. teaches a display system according to claim 5, wherein said light-emitting device is an EL display device (figure 1, item 5, column 1, lines 10-15).

With regard to claim 9 Kim et al. teaches a display system according to claim 5, wherein said display system is incorporated in one selected from the group consisting of a video camera, a

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digital camera, a head-mount display, a car navigation system, a portable telephone, and a personal computer (column 10, lines 21-34).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10, 12, 13-15, 17-20, 22-26, 28-31, 33-37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (6,265,833) as applied to claims 5, 7-9 above, and further in view of Stewart (5,302,966).

With regard to claim 10 Kim et al. was shown above to teach a potential applied to an EL display device is controlled based on an information signal of an environment.

Kim et al. does not illustrate the details of his EL display device such as “a display system comprising: an EL element having two electrodes with an EL layer interposed therebetween; and a current control TFT electrically connected to one of said two electrodes of said EL element, wherein a potential applied to other of said two electrodes of said EL element .

Stewart teaches an EL element having two electrodes with an EL layer interposed therebetween (figure 1, item 26); and a current control TFT electrically connected to one of said two electrodes of said EL element (figure 1, item 20), wherein a potential applied to other of said two electrodes of said EL element (figure 1, item 28 column 2, lines 35-49).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the EL matrix display details as illustrated by Stewart when implementing the system of Kim et al. because Kim et al. lacks these specific manufacturing details directed towards the actual EL circuit within the display therefore one of ordinary skill (such as a System Engineer) would have been motivated to simply use what is conventional when implementing all the system parts in the Kim et al. system illustrated.

With regard to claim 12 the combination of Kim et al. and Stewart teaches a display system according to claim 10, wherein said display system is incorporated in one selected from the group consisting of a video camera, a digital camera, a head-mount display, a car navigation system, a portable telephone, and a personal computer (column 10, lines 21-34 also these are just viewed as an obvious intended use recitation).

With regard to claim 13 the combination of Kim et al. and Stewart suggests an active matrix display device comprising: at least one pixel thin film transistor over a substrate, said thin film transistor comprising at least an active layer, and a gate electrode adjacent to said active layer with a gate insulating film interposed therebetween ; an EL element comprising at least an EL layer between an anode and a cathode, one of said anode and said cathode being electrically connected to said active layer (See Stewart figure 2).

With regard to claim 14 the combination of Kim et al. and Stewart suggest an active matrix display device according to claim 13, wherein said display device and said sensor are formed over a same substrate (See Kim et al. since figure 1 illustrates all the claimed parts in one

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illustration it is obvious that they share a common surface (substrate) while enclosed above said common surface of an enclosure).

With regard to claim 15 the combination of Kim et al. and Stewart suggest an active matrix display device according to claim 13, wherein said sensor comprises a CCD or a photo-diode (See Kim et al. figure 1 item 1 an optical sensor responsive to light and since CCD or a photo-diode are both conventional they would have been an obvious choice to one of ordinary skill) .

With regard to claim 17 the combination of Kim et al. and Stewart suggest an active matrix display device according to claim 13, wherein said display device is one selected from the group consisting of a video camera, a digital camera, a head mount display, a car navigation system, a portable telephone, and a personal computer (column 10, lines 21-34 also these are just viewed as an obvious intended use recitation).

With regard to claims 18-20, 22-24, 26, 28-31, 33-35, 37, and 39 the combination of Kim et al. and Stewart were shown above to read on these limitations.

With regard to claims 25 and 36 the combination of Kim et al. and Stewart 25 suggest an active matrix display device according to claim 23, further comprising an A/D converter interposed between said sensor and said CPU, and a D/A converter interposed between said CPU and said voltage changer (See Kim et al. figure 1 it is inherent that the CPU controller uses A/D for it's input and D/A for its output while interfacing with analog devices shown).

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*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to: (703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

*Paul Bell*

Paul Bell

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6 December 2002

  
STEVEN SARAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600